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EXAMINER

HOSSAIN, FARZANA E

ART UNIT PAPER NUMBER

2617

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/909,468	MCKENNA, THOMAS P.	
	Examiner	Art Unit	
	Farzana E. Hossain	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☒ Claim(s) 65 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11-26-03; 2-28-03, 2-16-02, 10-21-02, 8-27-01</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 65 are objected to because of the following informalities: There are two Claim 65 claims. They will be referred to as Claim 65(1) for the first Claim 65 and Claim 65(2) for the second Claim 65. Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1 recites "A program interface object (PIO).." A PIO is a data structure, which is not claimed as embodied in computer-readable media and is considered descriptive material per se and is not statutory because the data structure is not capable of causing functional change in the computer.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4, 5, 7-11, 14-20, 24, 26, 27, 29-33, 36-39, 41-44, 48, 50, 51, 53-57, 60-63, 66 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler et al (US 5,805,763 and hereafter referred to as "Lawler").

Regarding Claims 1, 17, 41, 66, Lawler discloses a method and system for managing television (TV) programs received by an interactive TV system or viewer station with interactive controller or set top box (STB) and a recording device (Figure 1, 18, 23), the method and system comprising: a computer readable medium or the STB with memory (Figure 2, 60, Column 9, lines 63-66) comprising for each TV program, a program interface object (PIO) or program schedule information of a particular listing (Column 7, lines 10-12) comprising attributes carrying information about the TV program such as title, start and end time, and description (Figure 3, 108, 102), a plurality of user selectable actions such as going to a particular program, setting a recording for the program, setting a reminder, and ordering the program (Figure 5, 126, Figure 6, 136, Figure 10, 150) that the user performs via the STB in connection with a particular program on the program time guide or electronic program guide (EPG), and a visual indicator or a program tile with text displayable in the graphical user interface (GUI)) to facilitate user interaction with the PIO (Figure 3, 102); a graphics substation with the central processing unit (CPU) or display component is configured to display the user interface displays such as an EPG (Column 6, lines 15-18, Column 10, lines 4-9); the CPU with the infrared receiver and decoder system (Figure 2, 66, Column 6, lines 57-67, Column 7, lines 1-4) receives user selection of the program title corresponding to

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the PIO or program schedule information and selection of an action (Figure 4A, 210, 222, 226, 240, 246); and the CPU perform the executing of the action whether it is to record, display, or set reminders of the selected program (Figure 4, Column 10, lines 30-42).

Regarding Claims 2, 24, and 48, Lawler discloses all the limitations of Claims 1, 17 and 41 respectively. Lawler discloses that the visual indicator includes a text description (Figure 3, 102).

Regarding Claims 4, 26, and 50, Lawler discloses all the limitations of Claims 1, 17 and 41 respectively. Lawler discloses the CPU does not perform any action without user command and that the action selected can be performed via a computer executed application by the CPU in the STB (Column 10, lines 16-29).

Regarding Claims 5, 27, and 51, Lawler discloses all the limitations of Claims 4, 26 and 50 respectively. Lawler discloses the CPU executes applications provided by the head end, which reads on the program code being substantially machine-independent as applications are sent from the head end (Column 3, lines 53-67, Column 6, lines 7-14, Column 10, lines 16-29).

Regarding Claims 7, 29, and 53, Lawler discloses all the limitations of Claims 1, 17 and 41 respectively. Lawler discloses that an attribute comprises a title of a program (Figure 3, 88).

Regarding Claims 8, 30, and 54, Lawler discloses all the limitations of Claims 1, 17 and 41 respectively. Lawler discloses that an attribute comprises a starting time of a program a starting time of programs are displayed (Figure 3, 92a-d, 82).

Regarding Claims 9, 31, and 55, Lawler discloses all the limitations of Claims 1, 17 and 41 respectively. Lawler discloses that an attribute comprises a running time of a program as the running time of programs are displayed (Figure 3, 92a-d, 82).

Regarding Claims 10, 32, and 56, Lawler discloses all the limitations of Claim 1, 17 and 41 respectively. Lawler discloses that an attribute comprises a description of a program as the description of programs is displayed (Figure 3, 114).

Regarding Claims 11, 33, and 57, Lawler discloses all the limitations of Claims 1, 17 and 41 respectively. Lawler discloses that an attribute comprises an indication of channel on which the program is broadcast as the channels of programs are displayed (Figure 3, 84, 94a-d).

Regarding Claims 14, 36, and 60, Lawler discloses all the limitations of Claims 1, 17 and 41 respectively. Lawler disclose that the display component or graphics substation with CPU is configured to display an attribute of the selected PIO using the STB of the viewer station (Column 6, lines 15-18, Column 10, lines 4-9, Figure 3, 82, 84, 88, 92a-d, 94a-d, 114).

Regarding Claims 15, 37, and 61, Lawler discloses all the limitations of Claims 1, 17 and 41 respectively. Lawler disclose that the recording component or CPU is configured to record a TV program corresponding to the selected PIO using the recording device of the viewer station (Column 10, lines 42-56).

Regarding Claims 16, 39, and 63, Lawler discloses all the limitations of Claims 1, 17 and 41 respectively. Lawler disclose that the display component or graphics

substation with CPU is configured to display a TV program corresponding to the selected PIO using the TV of the viewer station (Column 10, lines 42-53, Figure 5, 128).

Regarding Claims 18 and 42, Lawler discloses all the limitations of Claims 17 and 41 respectively. Lawler discloses a selection component or remote control with CPU to display in response to the user input of a visual indicator the list or menu of actions for a selected PIO including record, remind, display and order (Column 10, lines 30-35, Figure 4A, 226, 238, 244, Figure 5, 126, Figure 6, 136, Figure 10, 150).

Regarding Claims 19 and 43, Lawler discloses all the limitations of Claims 18 and 42 respectively. Lawler discloses that the menu is displayed in a context sensitive menu or based on the specific program such as order future programs or remind for future program but only displaying and recording current programs (Column 10, lines 30-35, Figure 4A, 226, 238, 244, Figure 5, 126, Figure 6, 136, Figure 10, 150).

Regarding Claims 20 and 44, Lawler discloses all the limitations of Claims 17 and 42 respectively. Lawler discloses that the STB controls the generation and display of the EPG and can have personalized EPGs based on user's personal preferences and viewing habits, therefore graphics substation with CPU will only display PIOs based on the user's preferences or filtering criteria (Column 7, lines 10-24, Column 14, lines 2-5). It is necessarily included that a population component exists to filter the PIO according to user criteria to display the specific EPG.

Regarding Claims 38 and 62, Lawler discloses all the limitations of Claims 37 and 61 respectively. Lawler disclose that the recording component or CPU is configured to record a TV program corresponding to the selected PIO at a time

indicated by the program or immediately for a current program (Column 10, lines 42-56) at the specific time for a future program (Column 12, lines 29-35, Column 13, lines 39-47).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3, 25, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Matthews, III (US 5,815,145 and hereafter referred to as "Matthews").

Regarding Claims 3, 25, and 49, Lawler discloses all the limitations of Claims 1, 17 and 41 respectively. Lawler is silent on an audible indicator. Matthews discloses an STB (Figure 2, 20), which receives PIOs or program specific information with visual indicators (Figure 4, 104, 104a). Matthews discloses that a digitized audio segment can be played back with visual indicator (Column 7, lines 21-35). It is necessarily included that a playback component is configured to play back the audible indicator as CPU carries out the process of playing the audio related to the programming. Therefore, it would have been obvious to one of ordinary skill in the art to modify Lawler to include that a digitized audio segment can be played back with visual indicator (Column 7, lines 21-35) as taught by Matthews in order to provide an EPG to users that does not over

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burden them with the numerous choices (Column 1, lines 51-60) as disclosed Matthews.

8. Claim 6, 28, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Maryka et al (US 6,490,616 and hereafter referred to as "Maryka").

Regarding Claims 6, 28, and 52, Lawler discloses all the limitations of Claims 5, 27 and 51 respectively. Lawler is silent on the program listing comprising one of a JavaBean object or a DCOM object. Maryka discloses a method and system of transferring objects between two computers or a server and a user device (Column 2, lines 43-50) and that the objects are JavaBean objects (Column 3, lines 5-7). Therefore, it would have been obvious to one of ordinary skill in the art to modify Lawler to include that JavaBean objects are transferred between a server and a user device (Column 3, lines 5-7, Column 2, lines 43-50)) as taught by Maryka in order to deliver software to numerous devices with different hardware platforms (Column 1, lines 14-29) as disclosed Maryka.

9. Claims 12, 34, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Hassell et al (US 2003/0149980 and hereafter referred to as "Hassell").

Regarding Claims 12, 34, and 58, Lawler discloses all the limitations of Claims 1, 17 and 41 respectively. Lawler is silent on attributes of storage locations of television programs. Hassell discloses a system that transmits program guide information to the

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users (Figure 1, 22, Figure 5A). Hassell discloses that the EPG can provide listings of programs that are stored on digital storage device (Page 4, paragraph 0037), that a user can record a program on any mediums including DVD player with recordable DVD discs, magnetic storage drive, or removal storage (Page 2, paragraph 0020, Page 8, paragraph 0085), and that the program listing will have an attribute of the storage location of the program (Figure 5a, Figure 5b, Figure 21, 552, 528, Figure 4).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Lawler to include that a program listing will have an attribute of the storage location of the program (Figure 5a, Figure 5b, Figure 21, 552, 528, Figure 4) as taught by Hassell in order to provide an EPG to users with storage information (Page 1, paragraph 0001) and to allow a more efficient way for users to navigate through program listings including listings that have been stored (Page 1, paragraph 0003) as disclosed Hassell.

10. Claims 13, 35, 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Ellis et al (US 2005/0251827 and hereafter referred to as "Ellis").

Regarding Claims 13, 35, and 59, Lawler discloses all the limitations of Claims 1, 17 and 41 respectively. Lawler is silent on providing alternative languages for the program guides. Ellis discloses that the program guide could have the option of changing the language to an alternative language to view the program in a different language in the program guide (Figure 31, Figure 32, Page 10, paragraph 0125), which reads on that an attribute of an alternative language for another attribute for the program guide. Therefore, it would have been obvious to one of ordinary skill in the art

to modify Lawler to include the option of changing the language guide to an alternative language to view the program in a different language in the program guide (Figure 31, Figure 32, Page 10, paragraph 0125) as taught by Ellis in order to provide a customized EPG to users (Page 1, paragraph 008) as disclosed Ellis.

11. Claim 21-22, 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Knudson et al (US 6,526,577 and hereafter referred to as "Knudson").

Regarding Claims 21 and 45, Lawler discloses all the limitations of Claims 17 and 41 respectively. Lawler is silent on receiving program specific information from a remote system. Knudson discloses an interactive television system that displays an EPG (Figure 5, 102). Knudson discloses a communication component that allows a user to receive a PIO or program related information from another user or remote system (Figure 18, Column 14, lines 5-20). Therefore, it would have been obvious to one of ordinary skill in the art to modify Lawler to include that a user can receive a PIO or program related information from another user or remote system (Figure 18, Column 14, lines 5-20) as taught by Knudson in order to for users to access program related information in new ways more efficiently (Column 1, lines 40-50) as disclosed Knudson.

Regarding Claims 22 and 47, Lawler discloses all the limitations of Claim 17 and 41 respectively. Lawler is silent on receiving program specific information from a remote system. Knudson discloses an interactive television system that displays an EPG (Figure 5, 102). Knudson discloses a communication component that allows a

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user to transmit a PIO or program related information to another user or remote system in response to user input (Figure 18, 1811, Column 14, lines 5-20). Therefore, it would have been obvious to one of ordinary skill in the art to modify Lawler to include that a user to transmit a PIO or program related information to another user or remote system in response to user input (Figure 18, 1811, Column 14, lines 5-20) as taught by Knudson in order to for users to access program related information in new ways more efficiently (Column 1, lines 40-50) as disclosed Knudson.

Regarding Claim 46, Lawler and Knudson disclose all the limitations of Claim 45. Knudson discloses the program related information or PIO is received from another user via e-mail or TV Mail (Figure 18, 1811, Column 14, lines 5-20).

12. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Knudson as applied to claim 21 above, and further in view of Knudson et al (US 2005/0204388 and hereafter referred to as "Knudson2").

Regarding Claim 23, Lawler and Knudson disclose all the limitations of Claims 21. Lawler and Knudson are silent on modifying an attribute due to schedule changes. Knudson2 discloses an interactive television system that displays an EPG (Figure 4, 50). Knudson2 discloses that the attribute of an PIO or program related information will be updated such as the start or ending times due to schedule changes in order to prevent a user from missing a scheduled recording (Page 8, paragraph 0089). Therefore, it would have been obvious to one of ordinary skill in the art to modify Lawler in view of Knudson to include that the attribute of an PIO or program related information

will be updated such as the start or ending times due to schedule changes (Page 8, paragraph 0089) as taught by Knudson2 in order to correctly record programs (Page 1, paragraph 0007) as disclosed Knudson2.

13. Claims 40, 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Young et al (US 5,808,608 and hereafter referred to as "Young").

Regarding Claims 40 and 64, Lawler discloses all the limitations of Claims 37 and 61 respectively. Lawler is silent on locating a stored recording of the TV program using an attribute of the PIO and displaying it. Young discloses an interactive television system that displays EPG and allows users to record programs (Figure 1, 10 and Figure 2, 12). Young discloses that the user can locate stored recordings (Figure 13) using the attributes of the title of the programs and running times (Figure 13, 84), and to display the stored recording of the program (Figure 13, 100). It is necessarily included that the system includes a playback component as the user commands allow a user to locate and played stored recordings. Therefore, it would have been obvious to one of ordinary skill in the art to modify Lawler to include user can locate stored recordings (Figure 13) using the attributes of the title of the programs and running times (Figure 13, 84), and to display the stored recording of the program (Figure 13, 100) as taught by Young in order to allow a more convenient method of finding program recorded (Column 10, lines 54-67, Column 1, lines 38-46) as disclosed Young.

14. Claims 65(1), 65(2) are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Kamen et al (US 6,421,067 and hereafter referred to as "Kamen").

Regarding Claims 65(1) and 65(2), Lawler discloses a method and system for managing television (TV) programs received by an interactive TV system or view station with interactive controller or set top box (STB) (Figure 1, 18), the method and system comprising: a computer readable medium or the STB with memory (Figure 2, 60, Column 9, lines 63-66) comprising for each TV program, a program interface object (PIO) or program schedule information of a particular listing (Column 7, lines 10-12) comprising attributes carrying information about the TV program such as title, start and end time, and description (Figure 3, 108, 102), a plurality of user selectable actions such as going to a particular program, setting a recording for the program, setting a reminder, and ordering the program (Figure 5, 126, Figure 6, 136, Figure 10, 150) that the user performs via the STB in connection with a particular program on the program time guide or electronic program guide (EPG), and a visual indicator or a program tile with text displayable in the graphical user interface (GUI) to facilitate user interaction with the PIO (Figure 3, 102); the STB controls the generation and display of the EPG and can have personalized EPGs based on user's personal preferences and viewing habits (Column 7, lines 10-24, Column 14, lines 2-5). It is necessarily included that a filtering component exists to filter the PIO according to user criteria to display the specific EPG. Lawler discloses a graphics substation with the central processing unit (CPU) or display component is configured to display the user interface displays such as

an EPG (Column 6, lines 15-18, Column 10, lines 4-9); the CPU performs the display of actions (Figure 5, 126, Figure 6, 136, Figure 10, 150), the CPU with the infrared receiver and decoder system (Figure 2, 66, Column 6, lines 57-67, Column 7, lines 1-4) receives user selection of the program title corresponding to the PIO or program schedule information and selection of an action (Figure 4A, 210, 222, 226, 240, 246); and the CPU performs the execution of the action whether it is to record, display, or set reminders of the selected program (Figure 4, Column 10, lines 30-42). Lawler is silent on the visual indicator being an icon; that there is an icon display component to display the icons based on filtering criteria; or an icon selection component as all of these a visual indicator related.

Kamen discloses an STB or receiver (Figure 2, 100, Figure 6, 100) that receives PIOs or program specific information to display an EPG (Figure 4). Kamen discloses that the user can select the type of program based on the EPG mode including EPG listed to display only sports programs or movies (Column 5, lines 9-13, Figure 2, Figure 2a). It is necessarily included that a filtering component exists to filter the PIO according to user criteria to display the specific EPG. Kamen discloses that the visual indicator can be an icon or pictogram corresponding to the programming (Column 5, lines 29-45), graphics circuitry or 3D graphics accelerator forms graphics images or icons or display component to display icons corresponding to program specific information satisfying the filtering criteria (Column 8, lines 58-60, Column 9, lines 52-67); and a remote control with the CPU allows user to select a particular image or icon and the CPU to read the image to display the program (Column 12, lines 35-50, Column

5, lines 48-65). Therefore, it would have been obvious to one of ordinary skill in the art to modify Lawler to include that the visual indicator can be an icon or pictogram corresponding to the programming (Column 5, lines 29-45), graphics circuitry or 3D graphics accelerator forms graphics images or icons (Column 8, lines 58-60, Column 9, lines 52-67); and a remote control with the CPU allows user to select a particular image or icon and the CPU to read the image to display the program (Column 12, lines 35-50, Column 5, lines 48-65) as taught by Kamen in order to provide an EPG that address the viewing habits of users quickly and efficiently (Column 1, lines 25-28, 56-62) as disclosed Kamen.

Double Patenting

15. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

16. Claims 17, 41, and 66 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 37 and 52 (respectively of copending Application No. 09/966566. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are broader in scope and therefore would unduly extend the timewise monopoly afforded to the other claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

17. Claims 17, 41, and 66 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 37, 52 of

copending Application No. 09/966566 in view of Matthews, III et al (US 6,025,837 and hereafter referred to as "Matthews"). Allowing Claim 17 of the instant application would result an unjustified timewise extension of the monopoly granted for the limitations offered by Claim 1 of US Application 09/966566.

Regarding Claim 17 of the instant application, limitation "A method for managing television programs received by an interactive television system" is met by the limitation "A method for providing supplemental information related to television program" of Claim 1 of Application 09/966566, as the receiver is being provided with data to manage the programming and the data can include supplemental data.

The instant application's limitation "providing, for each television program, a program interface object (PIO) comprising a plurality of attributes carrying information about the television program, a plurality of user-selectable actions performable by the interactive television system in connection with the television program" is met by the limitation "a program interface object (PIO) within an entertainment system, the PIO comprising a plurality of attributes carrying information about the television program, a plurality of user-selectable actions performable by the interactive television system in connection with the television program" of Application 09/966566, as the PIO within an entertainment system reads on the PIO being provided to the system. Note: the PIO being stored is referenced to below.

The instant application's limitation is missing "storing the PIO in the entertainment system" and "at least one attribute comprising a link to a supplemental information related to the television program, retrieving the supplemental information referenced by

the link; and displaying the supplemental information on a display device associated with the entertainment system.” Matthews discloses that program related information is stored in an EPG database (Figure 4, 104), a link to supplemental information related to a television program (Figure 2, 58), retrieving the supplemental information (Column 10, lines 21-35), and displaying the supplemental information on the display device (Figure 1, 28, Figure 3, 66). It would have been obvious to modify the instant application to include the limitations found in Application 09/966566 as it is taught by prior art.

The instant application’s limitation “a visual indicator displayable in a graphical user interface to facilitate user interaction with the PIO, displaying one or more visual indicators corresponding to a PIO; receiving a user selection of a visual indicator corresponding to a PIO, receiving a user selection of an action associated with the selected PIO; and executing the selected action within the interactive television system” are additional features. It would have been obvious to modify Application 09/966566 to include the limitations as prior art discloses the limitations. Lawler discloses a visual indicator or a program tile with text displayable in the graphical user interface (GUI) (Figure 3, 102); a graphics substation with the central processing unit (CPU) or display component is configured to display the user interface displays such as an EPG (Column 6, lines 15-18, Column 10, lines 4-9); the CPU performs the display of actions (Figure 5, 126, Figure 6, 136, Figure 10, 150), the CPU with the infrared receiver and decoder system (Figure 2, 66, Column 6, lines 57-67, Column 7, lines 1-4) receives user selection of the program title corresponding to the PIO or program schedule information and selection of an action (Figure 4A, 210, 222, 226, 240, 246); and the CPU performs

the execution of the action (Figure 4, Column 10, lines 30-42).

18. Claims 41 and 66 are similar to the limitations of Claim 17. The differences are stated below.

Regarding Claim 41 of the instant application, limitation "A system for managing television programs received by an interactive television system" is met by the limitation "A system for providing supplemental information related to television program" of Claim 37 of Application 09/966566, as the receiver is being provided with data to manage the programming and the data can include supplemental data.

Regarding Claim 66 of the instant application, limitation "A system for managing television programs received by an interactive television system" is met by the limitation "A system for providing supplemental information related to television program" of Claim 52 of Application 09/966566, as the receiver is being provided with data to manage the programming and the data can include supplemental data.

This is a provisional obviousness-type double patenting rejection.

19. Claims 17, 41, and 66 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 21 and 41 (respectively of copending Application No. 09/969164. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are broader in scope and therefore would unduly extend the timewise monopoly afforded to the other claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

20. Claims 17, 41, and 66 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 37, 41 of copending Application No. 09/969164 in view of Lawler and Maissel et al (US 6,637,029 and hereafter referred to as "Maissel"). Allowing Claim 17 of the instant application would result an unjustified timewise extension of the monopoly granted for the limitations offered by Claim 1 of US Application 09/969164.

Regarding Claim 17 of the instant application, limitation "A method for managing television programs received by an interactive television system" is met by the limitation "A method for providing television program information to an entertainment device" of Claim 1 of Application 09/969164, as the interactive television system is being provided with data to manage the programming and the entertainment device reads on an interactive television system.

The instant application's limitation "providing, for each television program, a program interface object (PIO) comprising a plurality of attributes carrying information about the television program, a plurality of user-selectable actions performable by the interactive television system in connection with the television program, and a visual indicator displayable in a graphical user interface to facilitate user interaction with the PIO" is met by the limitation "a program interface object (PIO) within an entertainment system, the PIO comprising a plurality of attributes carrying information about the

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television program, a plurality of user-selectable actions performable by the interactive television system in connection with the television program, and a visual indicator displayable in a graphical user interface to facilitate the user interaction with the PIO; transmitting the at least one selected PIO from the server to the entertainment device” of Application 09/969164, as providing the PIO to be received by an entertainment system reads on the PIO being transmitted from the server to the entertainment system.

The instant application's limitation is missing “storing the PIO within a server, selecting at the server at least one stored PIO for transmission to an entertainment device” and transmitting the PIO from the server to the entertainment device “via a network.” Lawler discloses that program related information is stored in an EPG database (Figure 1, 34) and transmitting the PIO from the server or head end to the STB via a network (Figure 1). Maissel discloses that the server has a profile storage unit at the server, which selects at least one PIO or program listing for transmission to the entertainment device or receiver (Figure 8A). It would have been obvious to modify the instant application to include the limitations found in Application 09/969164 as it is taught by prior art.

The instant application's limitation “displaying one or more visual indicators corresponding to a PIO; receiving a user selection of a visual indicator corresponding to a PIO, receiving a user selection of an action associated with the selected PIO; and executing the selected action within the interactive television system” are additional features. It would have been obvious to modify Application 09/969164 to include the limitations as prior art discloses the limitations. Lawler discloses a graphics substation

with the central processing unit (CPU) or display component is configured to display the user interface displays such as an EPG (Column 6, lines 15-18, Column 10, lines 4-9); the CPU performs the display of actions (Figure 5, 126, Figure 6, 136, Figure 10, 150), the CPU with the infrared receiver and decoder system (Figure 2, 66, Column 6, lines 57-67, Column 7, lines 1-4) receives user selection of the program title corresponding to the PIO or program schedule information and selection of an action (Figure 4A, 210, 222, 226, 240, 246); and the CPU performs the execution of the action (Figure 4, Column 10, lines 30-42).

21. Claims 41 and 66 are similar to the limitations of Claim 17. The differences are stated below.

Regarding Claim 41 of the instant application, limitation "A system for managing television programs received by an interactive television system" is met by the limitation "A system for providing television program information to an entertainment device" of Claim 21 of Application 09/969164, as the receiver is being provided with data to manage the programming and the data can include supplemental data.

Regarding Claim 66 of the instant application, limitation "A system for managing television programs received by an interactive television system" is met by the limitation "A system for providing television program information to an entertainment device" of Claim 41 of Application 09/969164, as the receiver is being provided with data to manage the programming and the data can include supplemental data.

This is a provisional obviousness-type double patenting rejection.

Conclusion

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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VIVEK SRIVASTAVA
PRIMARY EXAMINER